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\*Admitted only in Maryland  
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June 25, 2002

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Commissioner for Patents  
Washington, D.C. 20231

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Art Unit 1644

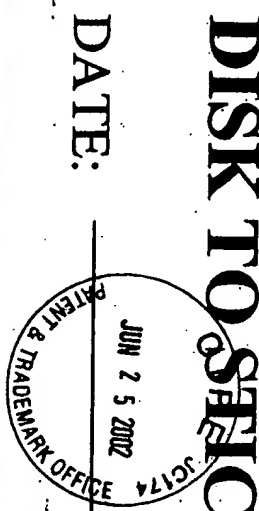
Re: U.S. Utility Patent Application  
Appl. No. 09/350,401; Filed: July 8, 1999  
For: **Inducing Cellular Immune Responses to Hepatitis B  
Virus Using Peptide and Nucleic Acid Compositions**  
Inventors: Sette *et al.*  
Our Ref: 2060.0060008/EKS/HCC

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Petition For Extension of Time Under 37 C.F.R. § 1.136(a)(1);
2. Fee Transmittal Form (PTO/SB/17);
3. Amendment and Submission of Substitute Sequence Listing Under 37 C.F.R. § 1.825(a);
4. 812 pages of a paper copy of the Substitute Sequence Listing;
5. A computer readable copy of the Substitute Sequence Listing;
6. Copy of Notice to Comply with Requirements for Nucleotide and/or Amino Acid Sequence Disclosures;
7. Certificate Under 37 C.F.R. § 3.73(b);
8. Revocation of Prior Power of Attorney and Appointment of New Attorneys of Record;
9. Change of Correspondence Address;
10. Our check no. 35643 for \$1,440.00 to cover extension of time fees; and
11. One (1) return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are



Commissioner for Patents  
June 25, 2002  
Page 2

necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

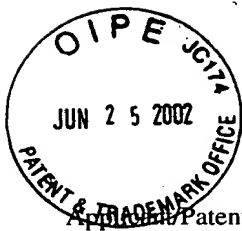
STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Helene C. Carlson  
Agent for Applicants  
Registration No.47,473

HCC/PAC:drb  
Enclosures

::ODMAMHODMA\SKGF\_DC1;27523;1  
SKGF Rev. 2/15/02 dcw



## Certificate Under 37 C.F.R. § 3.73(b)

Applicant/Patent Owner: SETTE et al.

Application No./Patent No.: 09/350,401

Filed/Issue Date: July 8, 1999

Entitled: Inducing Cellular Immune Responses to Hepatitis B Virus Using Peptide and Nucleic Acid Compositions

Epimmune Inc., a corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest, or
2. ☐ an assignee of an undivided part interest

in the patent application/patent identified above by virtue of either:

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- A. ☒ An Assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the Patent and Trademark Office at Reel 010418, Frame 0495, and Reel 010940, Frame 0685, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s) of the patent application/patent identified above to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.

**[NOTE:** A separate copy (*i.e.*, the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the PTO. See MPEP 302-302.8]

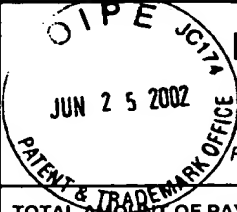
The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

Signature: \_\_\_\_\_

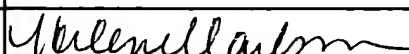
Name: Alessandro D. Sette, Ph.D.

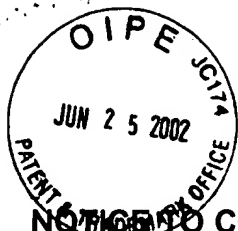
Title: Vice President and Chief Scientific Officer

Date: 6/20/02

	<b>FEE TRANSMITTAL for FY 2002</b>		<b>Complete if Known</b>		
	Patent fees are subject to annual revision.		Application Number	09/350,401	
			Filing Date	July 8, 1999	
			First Named Inventor	Alessandro SETTE	
			Examiner Name	Ronald B. Schwadron	
			Group Art Unit	1644	
TOTAL AMOUNT OF PAYMENT		(\$)	1,440.00	Attorney Docket No.	2060.0060008/EKS/HCC

<b>METHOD OF PAYMENT (check one)</b>		<b>FEE CALCULATION (continued)</b>					
1. <input type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any overpayment to:  Deposit Account Number: 19-0036 Deposit Account Name: Sterne, Kessler, Goldstein & Fox P.L.L.C.  <input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR §§ 1.16 and 1.17  <input type="checkbox"/> Applicant claims small entity status See 37 CFR 1.27		3. ADDITIONAL FEES Large Entity Small Entity  Fee Code Fee (\$) Fee Code Fee (\$) Fee Description Fee paid					
2. <input checked="" type="checkbox"/> Payment Enclosed: <input checked="" type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input checked="" type="checkbox"/> Other* *Charge any deficiencies or credit any overpayments in the fees or fee calculations of Parts 1, 2 and 3 below to Deposit Account No. 19-0036.		105 130 205 65 Surcharge - late filing fee or oath 127 50 227 25 Surcharge - late provisional filing fee or cover sheet 139 130 139 130 Non-English specification 147 2,520 147 2,520 For filing a request for <i>ex parte</i> reexamination 112 920* 112 920* Requesting publication of SIR prior to Examiner action 113 1,840* 113 1,840* Requesting publication of SIR after Examiner action 115 110 215 55 Extension for reply within first month 116 400 216 200 Extension for reply within second month 117 920 217 460 Extension for reply within third month 118 1,440 218 720 Extension for reply within fourth month 128 1,960 228 980 Extension for reply within fifth month 119 320 219 160 Notice of Appeal 120 320 220 160 Filing a brief in support of an appeal 121 280 221 140 Request for oral hearing 138 1,510 138 1,510 Petition to institute a public use proceeding 140 110 240 55 Petition to revive - unavoidable 141 1,280 241 640 Petition to revive - unintentional 142 1,280 242 640 Utility issue fee (or reissue) 143 460 243 230 Design issue fee 144 620 244 310 Plant issue fee 122 130 122 130 Petitions to the Commissioner 123 130 123 130 Petitions related to provisional applications 126 180 126 180 Submission of Information Disclosure Stmt 581 40 481 40 Recording each patent assignment per property (times number of properties) 146 740 246 370 Filing a submission after final rejection (37 CFR 1.129(a)) 149 740 249 370 For each additional invention to be examined (37 CFR 1.129(b)) 179 740 279 370 Request for Continued Examination (RCE) 169 900 169 900 Request for expedited examination of a design application					
<b>FEE CALCULATION</b>							
1. BASIC FILING FEE Large Entity Fee Small Entity Fee Fee Description Fee Paid 101 740 201 370 Utility filing fee 106 330 206 165 Design filing fee 107 510 207 255 Plant filing fee 108 740 208 370 Reissue filing fee 114 160 214 80 Provisional filing fee  SUBTOTAL (1) (\$) 0.00							
2. EXTRA CLAIM FEES Extra Fee from below Fee Paid Total Claims - 20** = X = Indep. Claims - 3** = X = Multiple Dependent = Large Entity Fee Small Entity Fee Fee Description 103 18 203 9 Claims in excess of 20 102 84 202 42 Independent claims in excess of 3 104 280 204 140 Multiple dependent claim 108 84 209 42 **Reissue independent claims over original patent 110 18 210 9 **Reissue claims in excess of 20 and over original patent  SUBTOTAL (2) (\$) 0.00 ** or number previously paid, if greater; For Reissues, see above		Other fee (specify): Other fee (specify): *Reduced by Basic Filing Fee Paid  SUBTOTAL (3) (\$) 1,440.00					

<b>SUBMITTED BY</b>				<b>Complete (if applicable)</b>	
Name (Print/Type)	Helene C. Carlson	Registration No. (Attorney/Agent)	47,473	Telephone	202-371-2600
Signature		Date	June 25, 2002		



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Application No.: 09/350401

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990.
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☒ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other: \_\_\_\_\_

**Applicant Must Provide:**

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

For PatentIn software help, call (703) 308-6856

**PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR RESPONSE**

# Raw Sequence Listing Error Summary

ERROR DETECTED	SUGGESTED CORRECTION	SERIAL NUMBER: 09/350401
ATTN: NEW RULES CASES: PLEASE DISREGARD ENGLISH "ALPHA" HEADERS, WHICH WERE INSERTED BY P1		
1 ____ Wrapped Nucleics Wrapped Aminos	The number/text at the end of each line "wrapped" down to the next line. This may occur if your file was retrieved in a word processor after creating it. Please adjust your right margin to .3; this will prevent "wrapping."	
2 ____ Invalid Line Length	The rules require that a line not exceed 72 characters in length. This includes white spaces.	
3 ____ Misaligned Amino Numbering	The numbering under each 5 <sup>th</sup> amino acid is misaligned. Do not use tab codes between numbers; use space characters, instead.	
4 ____ Non-ASCII	The submitted file was not saved in ASCII(DOS) text, as required by the Sequence Rules. Please ensure your subsequent submission is saved in ASCII text.	
5 ____ Variable Length	Sequence(s) ____ contain n's or Xaa's representing more than one residue. Per Sequence Rules, each n or Xaa can only represent a single residue. Please present the maximum number of each residue having variable length and indicate in the <220>-<223> section that some may be missing.	
6 ____ PatentIn 2.0 "bug"	A "bug" in PatentIn version 2.0 has caused the <220>-<223> section to be missing from amino acid sequence(s) _____. Normally, PatentIn would automatically generate this section from the previously coded nucleic acid sequence. Please manually copy the relevant <220>-<223> section to the subsequent amino acid sequence. This applies to the mandatory <220>-<223> sections for Artificial or Unknown sequences.	
7 ____ Skipped Sequences (OLD RULES)	Sequence(s) ____ missing. If intentional, please insert the following lines for each skipped sequence (2) INFORMATION FOR SEQ ID NO:X: (insert SEQ ID NO where "X" is shown) (i) SEQUENCE CHARACTERISTICS: (Do not insert any subheadings under this heading) (ii) SEQUENCE DESCRIPTION: SEQ ID NO:X: (insert SEQ ID NO where "X" is shown) This sequence is intentionally skipped  Please also adjust the "(ii) NUMBER OF SEQUENCES:" response to include the skipped sequences.	
8 ____ Skipped Sequences (NEW RULES)	Sequence(s) ____ missing. If intentional, please insert the following lines for each skipped sequence <210> sequence id number <400> sequence id number 000	
9 ____ Use of n's or Xaa's (NEW RULES)	Use of n's and/or Xaa's have been detected in the Sequence Listing. Per 1.823 of Sequence Rules, use of <220>-<223> is MANDATORY if n's or Xaa's are present. In <220> to <223> section, please explain location of n or Xaa, and which residue n or Xaa represents	
10 ____ Invalid <213> Response	Per 1.823 of Sequence Rules, the only valid <213> responses are: Unknown, Artificial Sequence, or scientific name (Genus/species). <220>-<223> section is required when <213> response is Unknown or Artificial Sequence	
11 ____ Use of <220>	Sequence(s) ____ missing the <220> "Feature" and associated numeric identifiers and responses. Use of <220> to <223> is MANDATORY if <213> "Organism" response is "Artificial Sequence" or "Unknown." Please explain source of genetic material in <220> to <223> section. (See "Federal Register," 06/01/1998, Vol. 63, No. 104, pp. 29631-32) (Sec. 1.823 of Sequence Rules)	
12 ____ PatentIn 2.0 "bug"	Please do not use "Copy to Disk" function of PatentIn version 2.0. This causes a corrupted file, resulting in missing mandatory numeric identifiers and responses (as indicated on raw sequence listing). Instead, please use "File Manager" or any other manual means to copy file to floppy disk.	
13 ____ Misuse of n	n can only be used to represent a single nucleotide in a nucleic acid sequence. N is not used to represent any value not specifically a nucleotide.	

AMC/MH - Biotechnology Systems Branch - 08/21/2001

Input field 160 did not match output  
See Enclosures/Attachments

1600

## RAW SEQUENCE LISTING

PATENT APPLICATION: US/09/350,401

DATE: 09/27/2001

TIME: 14:19:41

Input Set : A:\139\_10 SEQLIST.TXT

Output Set: N:\CRF3\09272001\I350401.raw

4 <110> APPLICANT: Alessandro Sette  
5 John Sidney  
6 Scott Southwood  
7 Maria A. Vitiello  
8 Brian D. Livingston  
9 Esteban Celis  
10 Ralph T. Kubo  
11 Howard M. Grey  
12 Robert Chesnut  
14 <120> TITLE OF INVENTION: INDUCING CELLULAR IMMUNE RESPONSES TO  
15 HEPATITIS B VIRUS USING PEPTIDE AND NUCLEIC ACID  
16 COMPOSITIONS  
18 <130> FILE REFERENCE: 139.10 US  
20 <140> CURRENT APPLICATION NUMBER: US 09/350,401  
21 <141> CURRENT FILING DATE: 1999-07-08  
23 <150> PRIOR APPLICATION NUMBER: US 08/820,360  
24 <151> PRIOR FILING DATE: 1997-03-12  
26 <150> PRIOR APPLICATION NUMBER: US 60/013,363  
27 <151> PRIOR FILING DATE: 1996-03-13  
29 <150> PRIOR APPLICATION NUMBER: US 09/189,702  
30 <151> PRIOR FILING DATE: 1998-11-10  
32 <150> PRIOR APPLICATION NUMBER: US 08/205,713  
33 <151> PRIOR FILING DATE: 1994-03-04  
35 <150> PRIOR APPLICATION NUMBER: US 08/159,184  
36 <151> PRIOR FILING DATE: 1993-11-29  
38 <150> PRIOR APPLICATION NUMBER: US 08/073,205  
39 <151> PRIOR FILING DATE: 1993-07-04  
E--> 41 <160> NUMBER OF SEQ ID NOS: 3876 — Input 3876 Found 3877  
43 <170> SOFTWARE: FastSEQ for Windows Version 4.0

## ERRORED SEQUENCES

*check diskette for actual contents MA*

Does Not Comply  
Corrected Diskette Needed

## VERIFICATION SUMMARY

PATENT APPLICATION: US/09/350,401

DATE: 09/27/2001

TIME: 14:19:50

Input Set : A:\139\_10 SEQLIST.TXT

Output Set: N:\CRF3\09272001\I350401.raw

L:15599 M:300 W: (50) Intentionally skipped Sequence, : Sequence Id (1197) SEQUENCE:  
L:42602 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:3274  
L:42619 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:3275  
L:43130 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:3314  
L:43147 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:3315  
L:43164 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:3316  
L:43181 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:3317  
L:43198 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:3318  
L:43215 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:3319  
L:43232 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:3320  
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L:43283 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:3323  
L:43300 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:3324  
L:43317 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:3325  
L:43334 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:3326  
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L:43385 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:3329  
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L:44073 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:3381  
L:44090 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:3382  
L:44536 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:3416  
L:44553 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:3417  
L:44572 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:3418  
L:44589 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:3419  
L:44606 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:3420  
L:44623 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:3421  
L:44640 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:3422  
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L:44708 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:3426  
L:44725 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:3427  
L:44742 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:3428  
L:44759 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:3429  
L:44776 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:3430  
L:44793 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:3431  
L:44810 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:3432  
L:44827 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:3433  
L:50630 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:3877  
L:41 M:203 E: No. of Seq. differs, <160> Number Of Sequences:Input (3876) Counted (3877)



Attachment Printout  
Explaining Errors

US/09/550401

<210> 3877  
<211> 13  
<212> PRT  
<213> Artificial Sequence

<220>  
<223> Artificial Peptide

<220>  
<221> MOD\_RES  
<222> (3)  
<223> Xaa = cyclohexylalanine, Phe or Tyr

<400> 3877  
Ala Lys Xaa Val Trp Ala Asn Thr Leu Lys Ala Ala Ala  
1 5 10

Input: 3876 sequences  
Found: 3877 sequences  
Actual file contents as of

10/17/01

MH

Does Not Comply  
Corrected Diskette Needed